

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EDEN PINO, LESTER MONCADA, and :  
WALTER ULLOA, on behalf of themselves and all :  
others similarly situated, :

*Plaintiffs,* :

– against – :

HARRIS WATER MAIN & SEWER :  
CONTRACTORS, INC., STEVEN KOGEL, :  
individually, and BRETT KOGEL, individually, :

*Defendants.* :  
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Case No. 17-cv-5910 (KAM)(RER)

**DECLARATION OF**  
**EDEN PINO**

Eden Pino hereby declares the following to be true under penalty of perjury pursuant to  
28 U.S.C. § 1746:

1. I am a plaintiff in the referenced action.

2. I worked for defendants from approximately 2010 through 2016 as a crew  
member/field employee performing manual labor including, but not limited to, the construction,  
installation, repair, and/or replacement of residential and commercial water mains and sewer  
lines in New York, New York.

3. While working for defendants, I was not paid for all of the time that I worked.

4. I generally worked an average of about 60 hours a week for defendants.  
However, I was generally only paid for about 40-48 hours a week.

5. At the beginning of the day, other crew members and I would prepare and load  
the truck with tools and equipment that we would need to take to the jobsite(s) that day. I was  
not paid for this time.

6. At the end of the day, other crew members and I would unload the truck and clean. I was not paid for this time.

7. I never witnessed a crew specifically designated for loading and/or unloading the trucks at the beginning and the end of the work day.

8. I witnessed other crew members/field employees, like myself, doing the loading and unloading of the trucks that they were taking to their jobsite(s).

9. I was generally docked an hour a day for a lunch break that was not provided to me.

10. I also witnessed my fellow crew members/field employees not being provided with proper time for lunch breaks.

11. My paystubs or wages statements were often incorrect as they did not accurately reflect the number of hours I actually worked. Rather, my paystubs would often indicate that I worked fewer hours than I actually did.

12. Other individuals including, but not limited to, Rickie LNU, Jose LNU, Franklin LNU, Ariel Mendoza, Carlos Giron, Luis Fabian, Lester Moncada, and Walter Ulloa have either commented or complained to me that defendants also did not pay them for all of the hours they worked.

13. I was also required to purchase and wear uniforms including vests, sweatshirts and t-shirts with defendants' company logo on them.

14. I was not reimbursed for the cost of the uniforms.

15. Defendants did not launder the uniforms for me and did not pay for the laundering of the uniforms.

16. I do not recall defendants ever providing me with a written notice in Spanish (which is my primary language) containing my rate of pay, my overtime rate of pay, the basis for my rate of pay, and my regular pay day.

17. I do not recall ever seeing notices (in either Spanish or English) posted in defendants' workplace regarding workers' rights under federal and/or state wage and hour laws.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 24, 2018.

  
\_\_\_\_\_  
EDEN PINO

**TRANSLATOR'S  
CERTIFICATE OF  
ACCURACY**

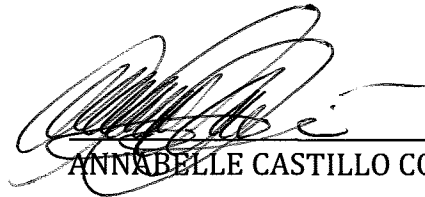
***ANNABELLE CASTILLO COHEN does hereby affirm as follows:***

That I am fluent in both the English and Spanish languages.

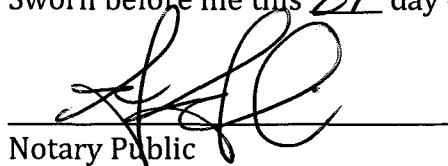
That I am competent to translate from English to Spanish.

That I have made translations from a copy of the original documents in the English language and hereby certify that the following documents are true and complete translation to the best of my knowledge, ability, and belief.

- Declaration of Eden Pino

  
ANNABELLE CASTILLO COHEN

Sworn before me this 24<sup>th</sup> day of January, 2018.

  
Notary Public

SEAN T. SCUDERI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02SC6252769  
Qualified In Nassau County  
My Commission Expires 12-12-2019